IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4084 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SKYPAK SERVICE SPECIALISTS LTD

Versus

ZANKHNA S DESAI

Appearance:

MR DILIP B RANA for Petitioner

MR AK CLERK for Respondent No. 1

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 13/12/2000

ORAL JUDGEMENT

#. Rule. Mr.A.K.Clerk waives service of rule on behalf of the respondent. By consent of the parties, the matter is taken for final hearing today.

#. By the impugned order the Labour Court, Surat has partly allowed the reference of the respondent and order of reinstatement on the original post was passed with 40% backwages. Today there is consensus prevailing between the parties. The petitioner has agreed to reinstate the concerned respondent on her original post and Mr.Rana for the petitioner states that the respondent herein has already been taken back in service. Now so far as payment of backwages is concerned, in the facts and circumstances of the case, it is directed that, instead of 40% backwages, the respondent will be entitled to have backwages only upto 25%. It is clarified that the respondent will be entitled to have the benefit of seniority and all other consequential benefits and the petitioner will fix her pay accordingly as if she is continued throughout in service. The award of the Labour Court is modified only with regard to the backwages and the respondent is entitled to get 25% backwages during intervening period.

#. Subject to the aforesaid modification, rest of the Award is confirmed. The petitioner is directed to pay backwages as per the order of this court latest by 15.1.2001. Fixation of her pay also to be made by the aforesaid date. Rule is accordingly made absolute to the aforesaid extent with no order as to costs.

(P.B.Majmudar,J)
(pathan)